

REMARKS/ARGUMENTS

In the Office Action mailed August 25, 2008, claim 5 was rejected and claims 1 – 4 were allowed. In response, Applicant has amended claim 4. Applicant hereby requests reconsideration of the application in view of the amended claim and the below-provided remarks.

Allowable Subject Matter

Applicant notes that claims 1 – 4 are allowed. While the Office Action provides a statement of reasons for the indication of allowable subject matter, the Office Action's statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicant notes that the Office Action's comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

Objections to the Specification

The Office Action also suggests that continuation data and foreign priority claim are missing from the specification. The current application is a National Stage application entered under 35 U.S.C. 371. Applicant notes that 35 U.S.C. 371 has no requirement to amend the specification to include a foreign priority claim. Therefore, Applicant respectfully declines to amend the specification as suggested.

Claim Rejections under 35 U.S.C. 101

Claim 5 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Office action states that the process of claim 5 “[consists] solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a

statutory process.” Claim 5 has been amended to recite “[a] method of measuring rotational speed of an object.” Support for the amendment is found in Applicant’s specification at, for example, paragraphs [0011] and [0012] (U.S. Pub. No. 2008/0143322 A1). Applicant respectfully submits that amended claim 5 is directed to statutory subject matter because the claim recites a process, which places the claim squarely within the categories defined by 35 U.S.C. 101 (i.e., processes, machines, manufactures, and compositions of matter). Accordingly, Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. 101 be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendment and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

/mark a. wilson/

Date: November 21, 2008

Mark A. Wilson
Reg. No. 43,994

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111